

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED UNDER SEAL

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 13-10200-GAO
)	
DZHOKHAR TSARNAEV)	

**EMERGENCY MOTION TO ACCOMMODATE
DEFENSE PREPARATION OF FOREIGN WITNESSES**

Defendant, Dzhokhar Tsarnaev, respectfully requests, in order to accommodate defense preparation of the foreign witnesses, that the Court order the FBI:

- (1) To transport the witnesses to the Federal Public Defender Office for at least one of the two weekend days, Saturday May 2 or Sunday May 3, 2015.
- (2) To permit members of the defendant's family in the United States to visit with the foreign witnesses (who are their aunts and cousins), either at the Federal Public Defender Office or at the hotel where they are staying.

The prosecution team and the FBI have declined both of these requests.

The five witnesses are all female citizens of Russia between the ages of 35 and 65 who agreed voluntarily to testify despite their fears and reluctance to travel to Boston. There is no reason to think they pose any threat whatsoever to U.S. security. They were paroled into the United States for a period up to 14 days under extraordinarily restrictive conditions, including 24/7 supervision by multiple FBI agents per witness and GPS ankle bracelets. The press leaks and media frenzy that accompanied their arrival have been

intimidating and disturbing to them. They have, in effect, been under indoor “house arrest” until permitted to walk outside briefly at a strip mall for the first time on the evening of April 30, more than a week after their arrival.

Given these conditions, the defense understands that it is an inconvenience and burden, albeit of the government’s own making, to transport the witnesses to the Federal Defender Office. Thus, the defense is only requesting transport for one of the two weekend days. The FBI has previously transported the witnesses to the FDO without incident by driving unmarked sedans into the loading dock/sally port of the building in which the FDO is located.

In light of the circumstances of their arrival and stay, additional preparation time with the witnesses is necessary. Transport to the FDO is important because it provides ready access to a professional work environment, to defense files and materials, and to additional members of the defense team who are unable due to myriad commitments to travel to the hotel where the witnesses are staying, which is located more than an hour from downtown Boston.

The defense is unaware of any term of the witness’ parole conditions that would preclude interaction with members of the defendant’s family who are present in the United States. For some of the same reasons that the Court required the BOP to accommodate firewalled family visits with defendant as part of the defense function, family interaction with the witnesses would also help the defense to elicit important family memories and stories. Such interaction would also help to ameliorate some of the

stressful effects of the conditions and circumstances the witnesses have had to tolerate during their stay to date. If a family visit were permitted at the FDO, the defense would work with the FBI to coordinate arrival times designed to avoid any public or press scrutiny. If a family visit were permitted at the hotel, the defense would provide discreet transportation for the family members to that location.

DZHOKHAR TSARNAEV
By his attorneys



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Certificate of Service

I hereby certify that this document is being served upon counsel for the United States by e-mail PDF on May 1, 2015.


